



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

argument in favor of the result is that it prevents duplication of legal proceedings. In the principal case, the result is reached without injustice. The claims of the parties arose in the same transaction, and both would require the same evidence and witnesses. Both parties have evinced their readiness to bring their cases to trial at this time. But the decision cannot be supported on authority. See *Woody v. Jordan*, 69 N. C. 180; *Asher v. Reizenstein*, 105 N. C. 213, 10 S. E. 889. And a general application of a rule compelling counter-claim would be unjust. A plaintiff is not compelled to join two causes of action against the same defendant. *Brunson v. Humphrey*, 14 Q. B. D. 141; *Reilly v. Sicilian Asphalt Paving Co.*, 170 N. Y. 40, 62 N. E. 772. There would seem an even greater hardship in always compelling a defendant to try his cross action at the place of the plaintiff's choosing.

ADMIRALTY — JURISDICTION — EQUITABLE JURISDICTION — ACCOUNTINGS. — By the terms of a charter party, a demise of two ships for a term of years, the charterer was to pay the owner a certain sum each month and one half the net earnings after deducting these sums. At the end of the period the charterer was to return the ships in good repair with an equal amount of furniture and apparel. In a libel for the breach of the charter party it appeared that an accounting was incidentally involved. *Held*, that admiralty has jurisdiction. *Metropolitan S. S. Co. v. Pacific-Alaska Navigation Co.*, 260 Fed. 973 (Dist. Ct. S. D. Me.).

In adjusting the rights of litigants, courts of admiralty proceed on equitable principles. They may deny full recovery to a sailor guilty of misconduct during the voyage in which the wages in dispute were earned. *Macomber v. Thompson*, 1 Sump. 384. And they may refuse to entertain libels in tort for assault when the libellants because of their wrongful conduct could recover only trivial damages. *Barnett v. Luther*, 1 Curtis, 434. Where, however, the relief asked in its nature involves the exercise of equitable jurisdiction, admiralty refuses to act. It does not, therefore, entertain a bill for the reformation of an instrument. *Williams v. Prov. Co.*, 56 Fed. 159. Nor does it adjudicate a libel brought mainly for an accounting, however simple. *Martin v. Walker*, Abb. Adm. 579; *The Zillah May*, 221 Fed. 1016. But if the accounting is incidental to the main cause of action, maritime in nature, admiralty gives complete relief, even if, as in the principal case, the accounting seems complex. *The Emma B.*, 140 Fed. 771. On principle, there is no reason why admiralty, in spite of its pride in its simple procedure, should make this distinction. Indeed, admiralty is obviously a court better fitted than equity to take jurisdiction of accountings arising out of maritime transactions. However, this distinction seems firmly established by judicial decision.

APPEAL AND ERROR — APPELLANT'S RIGHT OF DISMISSAL DENIED WHERE PREJUDICIAL TO APPELLEE. — The plaintiff in a replevin suit appealed from an adverse judgment in a county court to the district court. By statute the latter court had jurisdiction to try the cause *de novo*. (1907 NEB. COMP. STAT., § 7514.) By an order of the district court, he also regained possession of the chattel which had been restored to the defendant by execution on the county court's judgment. Five months later, the plaintiff, against the objection of the defendant, moved to dismiss the appeal and claimed an absolute right to have the motion granted. There is a statute providing that an appellant may dismiss without the consent of the appellee at any time before submission. (1913 NEB. REV. STAT., § 8547.) *Held*, that the motion to dismiss be denied. *Lemer v. Hunyak*, 175 N. W. 605 (Neb.).

Even in the absence of statute, the appellant has a right to have his appeal dismissed. *Hart v. Minneapolis, St. Paul, etc. Ry. Co.*, 122 Wis. 308, 99 N. W. 1019; *Derick v. Taylor*, 171 Mass. 444, 50 N. E. 1038. But this right is sub-